

STATEMENT OF BASIS (AI No. 18945)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0071048 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Ventura Foods, LLC - Lou Ana Division
Lou Ana Landfarm
P.O. Box 591
Opelousas, LA 70571

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Kelli Hamilton

DATE PREPARED: September 4, 2009

1. PERMIT STATUS**A. Reason For Permit Action:**

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. LPDES permit - LPDES permit effective date: June 1, 2004
LPDES permit expiration date: May 31, 2009
EPA has not retained enforcement authority.

C. Date Application Received: December 2, 2008

2. FACILITY INFORMATION**A. FACILITY TYPE/ACTIVITY - Type I industrial landfarm for a vegetable oil refinery**

Ventura Foods, LLC - Lou Ana Division owns and operates a vegetable oil refining facility (Lou Ana Foods, LPDES permit LA0034509). Excess sludge and dissolved air flotation (DAF) skimmings produced at the wastewater treatment plant located at the vegetable oil refinery, as well as spent bleaching aids (bentonite clay, silica, etc.) are disposed of at the landfarm. The landfarm consists of two application cells.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II
3. Wastewater Type: II
4. SIC code: 4953, 2079

C. LOCATION - 886 Bellridge Rd. in Opelousas, St. Landry Parish
Latitude 30°37'37", Longitude 92°06'35"

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3. OUTFALL INFORMATION

Outfall 001

Discharge Type: treated contaminated stormwater runoff from active landfarm Cells A and B
Treatment: aerated stabilization pond
Location: at the point of discharge from the stabilization pond
Flow: intermittent (1.5 MGD per event)
Discharge Route: local drainage, thence into Bayou Carron

Outfall 002

Discharge Type: emergency discharge of stormwater runoff from landfarm Cell B
Treatment: none
Location: at the point of discharge from Detention Pond C in landfarm Cell B
Flow: intermittent; emergency use only
Discharge Route: local drainage, thence into Bayou Carron

Outfall 003

Discharge Type: emergency discharge of stormwater runoff from landfarm Cell A
Treatment: none
Location: at the point of discharge from Detention Pond D in landfarm Cell A
Flow: intermittent; emergency use only
Discharge Route: local drainage, thence into Bayou Carron

4. RECEIVING WATERS

STREAM - local drainage, thence into Bayou Carron

BASIN AND SEGMENT - Vermilion-Teche River Basin, Segment 060210

DESIGNATED USES - a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife

5. TMDL STATUS

Subsegment 060210, Bayou Carron, is not listed on LDEQ's Final 2006 303(d) List as impaired. However, subsegment 060210 was previously listed as impaired for nutrients (nitrate/nitrite), suspended solids/turbidity/siltation, organic enrichment/low DO, and phosphorus for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations

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and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDLs have been established for Subsegment 060210:

Bayou Carron TMDLs for Dissolved Oxygen and Nutrients (final on May 1, 2002)

This TMDL addressed oxygen-demanding substances (CBOD, ammonia nitrogen, organic nitrogen, and sediment oxygen demand) and nutrients in the waterbody. Wasteload allocations were assigned to the Town of Washington Sewage Treatment Plant (STP) plus all of the other point sources with minor oxygen-demanding discharges within the subsegment. The Town of Washington STP was explicitly included in the model; the remaining oxygen-demanding discharges were included in the TMDLs by adding their loads (based on current permit limits with no reductions) to the loading simulated by the model. The TMDLs determined that, in order to meet the DO standard of 5 mg/L throughout Bayou Carron, nonpoint source loads would need to be reduced by an average of 79%. No upgrades in treatment were determined to be necessary for the Town of Washington STP or for any other oxygen-demanding dischargers. The previous permit limited CBOD5 and NH3-N. These limits will remain as previously permitted.

Nitrogen and Phosphorus

LDEQ's position regarding water quality criteria for nutrients, is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. See In The Matter of Sierra Club and Louisiana Environmental Network Request for Nutrient Limits. Docket No. AHD-DR-96001. LDEQ April 29, 1996. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through CBOD5 limitations. Compliance with the CBOD5 limitations as an indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Other Conditions of the permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

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TMDL for TSS, Turbidity, and Siltation for the Bayou Teche Watershed (final May 2, 2002)

As per the TMDL, "Point source loads do not represent a significant source of TSS as defined in this TMDL. Point sources discharge primarily organic TSS, which does not contribute to habitat impairment resulting from sedimentation. Because the point sources are minor contributors, and dischargers of organic suspended solids from point sources are already addressed by LDEQ through their permitting of point sources to maintain water quality standards for DO, the wasteload allocation for point source contributions were set to zero. This TMDL only addresses the landform contribution of TSS/sediment and does not address the insignificant point source contributions." Therefore, the TSS limits will remain as previously permitted.

6. CHANGES FROM PREVIOUS PERMIT

None

7. COMPLIANCE HISTORY/COMMENTS

A. Compliance History

No records of recent compliance actions were found.

B. DMR Review/Excursions - A DMR review was completed for July 2007 through June 2009. The excursions are as follows:

| <u>DATE</u> | <u>PARAMETER</u> | <u>OUTFALL</u> | <u>REPORTED VALUE</u> | | <u>PERMIT LIMITS</u> | |
|-------------|--------------------|----------------|------------------------|----------------------|------------------------|----------------------|
| | | | <u>MONTHLY AVERAGE</u> | <u>DAILY MAXIMUM</u> | <u>MONTHLY AVERAGE</u> | <u>DAILY MAXIMUM</u> |
| 7/07 | NH ₃ -N | 001 | --- | 3.6 | --- | 3 |
| 5/08 | CBOD ₅ | 001 | --- | 29 | --- | 15 |
| 9/08 | CBOD ₅ | 001 | --- | 29 | --- | 15 |

8. EXISTING EFFLUENT LIMITS

Outfalls 001, 002, 003 - (mg/l)
 CBOD(4/1-10/31) ---:15
 CBOD(11/1-3/31) ---:30
 NH₃-N(4/1-10/31) ---:3
 NH₃-N(11/1-3/31) ---:15
 TSS ---:135
 Oil and Grease ---:15
 pH 6-9

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9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 060210 of the Vermilion-Teche River Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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13. STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water shall not be required to obtain and LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 2079 are considered to have storm water discharges associated with industrial activity.

For first time permit issuance, the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. For renewal permit issuance, the SWP3 shall be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility. (see Narrative Requirements for the AI)

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Rationale for Ventura Foods, LLC - Lou Ana Division

1. Outfall 001 treated contaminated stormwater runoff from active landfarm Cells A and B (estimated flow is intermittent - 1.5MGD per discharge event)

| <u>Pollutant</u> | <u>Limitation</u> | <u>Reference</u> |
|-----------------------|--------------------------------|---|
| | Mo. Avg:Daily Max (lbs/day) | Mo. Avg:Daily Max (mg/l) |
| Flow (GPD) | Report:Report | --- |
| CBOD ₅ | | LAC 33:IX.2707.I.1.B |
| (April 1-October 31) | ---- | previous permit;TMDL |
| (November 1-March 31) | ---- | previous permit;TMDL |
| NH ₃ -N | | |
| (April 1-October 31) | ---- | previous permit;TMDL |
| (November 1-March 31) | ---- | previous permit;TMDL |
| TSS | ---- | previous permit; LAC 33:IX.711.D.2.b |
| Oil & Grease | ---- | previous permit;* |
| pH (su) | ---- | 6.0-9.0 previous permit;* |

Treatment: aerated stabilization pond

Monitoring Frequency: monthly

Limits Justification: This facility is not subject to Effluent Limitations Guidelines for Landfills Point Source Category, 40 CFR Part 445, because, in accordance with 40 CFR 445.1.e, "This part does not apply to discharges of landfill wastewater from landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill."

Limits for CBOD₅ and NH₃-N are based on the Bayou Carron TMDLs for Dissolved Oxygen and Nutrients (5/1/2002), and the previous permit.

Limits for TSS are based LAC 33:IX.711.D.2.b, Treatment Equivalent to Secondary Treatment for oxidation ponds, and the previous permit.

Limits for Oil and Grease and pH are based on the previous permit, and LDEQ's guidance on stormwater, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6).